UNITED
NATIONS

A

General Assembly

PROVISIONAL

A/45/PV.48
5 December 1990

ENGLISH

Forty-fifth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE FORTY-EIGHTH MEETING

Held at Headquarters, New York,
on Wednesday, 28 November 1990, at 3 p.m.

President: Mr. de MARCO (Malta)

- Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States: Report of the Sixth Committee [135]

- Status of the Protocols additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts: Report of the Sixth Committee [136]

- Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives: Report of the Sixth Committee [137]

- United Nations Decade of International Law: Report of the Sixth Committee [138]

- Peaceful settlement of disputes between States: Report of the Sixth Committee [139]

/...

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the General Assembly.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

90-64358/A 3465V (E)

best copy available

- Draft Code of Crimes against the peace and security of mankind; report of the International Law Commission on the work of its forty-second session: Report of the Sixth Committee [140 and 142]

- Report of the United Nations Commission on International Trade Law on the work of its twenty-third session: Report of the Sixth Committee [141]

- Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto: Report of the Sixth Committee [143]

- Report of the Special Committee on the Charter of the United Nations and on the strengthening of the role of the Organization [144]

  (a) Report of the Sixth Committee

  (b) Report of the Fifth Committee

- Report of the Committee on Relations with the Host Country: Report of the Sixth Committee [145]

- Additional Protocol on Consular Functions to the Vienna Convention on Consular Relations: Report of the Sixth Committee [146]

- Conciliation rules of the United Nations: Report of the Sixth Committee [147]

The meeting was called to order at 3.30 p.m.

AGENDA ITEMS 135 TO 139, 140 AND 142, 141, AND 143 TO 147

OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES: REPORT OF THE SIXTH COMMITTEE (A/45/730)

STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS: REPORT OF THE SIXTH COMMITTEE (A/45/731)

CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES: REPORT OF THE SIXTH COMMITTEE (A/45/732)

UNITED NATIONS DECADE OF INTERNATIONAL LAW: REPORT OF THE SIXTH COMMITTEE (A/45/733)

PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES: REPORT OF THE SIXTH COMMITTEE (A/45/734)

DRAFT CODE OF CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND; REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-SECOND SESSION: REPORT OF THE SIXTH COMMITTEE (A/45/735)

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-THIRD SESSION: REPORT OF THE SIXTH COMMITTEE (A/45/736)

CONSIDERATION OF THE DRAFT ARTICLES ON THE STATUS OF THE DIPLOMATIC COURIER AND THE DIPLOMATIC BAG NOT ACCOMPANIED BY DIPLOMATIC COURIER AND OF THE DRAFT OPTIONAL PROTOCOLS THERETO: REPORT OF THE SIXTH COMMITTEE (A/45/738)

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

(a) REPORT OF THE SIXTH COMMITTEE (A/45/739)

(b) REPORT OF THE FIFTH COMMITTEE (A/45/728)

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY: REPORT OF THE SIXTH COMMITTEE (A/45/740)

ADDITIONAL PROTOCOL ON CONSULAR FUNCTIONS TO THE VIENNA CONVENTION ON CONSULAR RELATIONS: REPORT OF THE SIXTH COMMITTEE (A/45/741)

CONCILIATION RULES OF THE UNITED NATIONS: REPORT OF THE SIXTH COMMITTEE (A/45/742)

The PRESIDENT: I call on the Rapporteur of the Sixth Committee, Mr. Saeid Mirzaee-Yengejeh of the Islamic Republic of Iran, who will introduce the reports of that Committee on agenda items 135 to 139, 140 and 142, 141, and 143 to 147.

Mr. MIRZAEE-YENGEJEH (Islamic Republic of Iran), Rapporteur of the Sixth Committee: I have the honour of presenting to the General Assembly the 12 reports of the Sixth Committee on its work on the agenda items allocated to it at this session. The reports are contained in documents A/45/730 to A/45/736 and A/45/738 to A/45/742.

Before introducing each of these reports in the order in which they appear in today's Journal, I wish to make the following general remarks.

Participants in the Sixth Committee's work at this session will agree that the debate on item 138, "United Nations Decade of International Law", offered them a good opportunity for a fruitful exchange of views on the question of the observance of international law as a prerequisite for the maintenance of international peace and security, which will ensure the success of the Decade of International Law. It was also in this context of reaffirmation of the obligation of States to observe international law with a view to ensuring a peaceful world that the importance of the work on the progressive development of international law and its codification undertaken by the International Law Commission, or by other competent bodies within the United Nations system of organizations, was fully appreciated by the Committee.

READEX FICHE

(Mr. Mirzaee-Yengejeh,
Rapporteur, Sixth Committee)

I also highlight the fact that, in the course of its consideration of the report of the Special Committee on the Charter and its debate on the Decade of International Law and on the report of the International Law Commission, the Committee succeeded in rationalizing its future work. It recommended that two items on its agenda - item 139, entitled "Peaceful settlement of disputes between States", and item 140, entitled "Draft Code of Crimes against the Peace and Security of Mankind" - should not be treated as independent items on its future agenda but should be considered within the framework of other relevant items. For the same reason of rationalization of its work, the Committee further recommended that agenda item 147, entitled "Conciliation rules of the United Nations", should also no longer be an independent item in its future agenda and that it too be considered within the framework of other relevant items.

Last, but not least, I would like to add that 9 out of the 13 draft resolutions or decisions of the Committee were adopted without a vote, which is characteristic of the spirit of co-operation that has prevailed at this session.

Those are the few general remarks I wanted to make on the reports of the Sixth Committee now before the Assembly. I shall now introduce each of the reports, beginning with the report (A/45/730) submitted under agenda item 135, entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States". The draft resolution that the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 of the report.

In the preambular part of the draft resolution the General Assembly would recall the resolution of the United Nations Conference on the Representation of States in Their Relations with International Organizations relating to the observer status of national liberation movements, and the current practice of inviting those

(Mr. Mirzaee-Yengejeh,
Rapporteur, Sixth Committee)

movements to participate as observers in the work of the international organizations. In order to ensure their effective participation in the said international organizations, the General Assembly would, in the operative part of the draft resolution, urge all States that have not yet done so to consider the question of becoming parties to the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character, and call upon States to accord to the delegations of the aforementioned national liberation movements the facilities, privileges and immunities necessary for the performance of their functions.

The Sixth Committee adopted this draft resolution by a recorded vote of 82 to 10, with 24 abstentions.

I turn now to the report of the Sixth Committee (A/45/731) submitted under agenda item 136, entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 of the report.

Under the terms of the preambular part of the draft resolution, the General Assembly would stress the need for consolidating and implementing the existing body of international humanitarian law and for the universal acceptance of such law. Under the operative part of the draft resolution, the General Assembly would, inter alia, note that, in comparison with the Geneva Conventions, the number of States parties to the two additional Protocols is still limited. The General Assembly would, accordingly, appeal to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties also to the additional Protocols at the earliest possible date. The Secretary-General would be

(Mr. Mirzaee-Yengejeh,
Rapporteur, Sixth Committee)

requested to submit to the General Assembly at its forty-seventh session a report on the status of the Protocols based on information received from Member States.

The Sixth Committee adopted the draft resolution without a vote.

I now turn to the report of the Sixth Committee (A/45/732) submitted under agenda item 137, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 10 of the report.

Under the terms of the preambular part of the draft resolution, the General Assembly would express its alarm at the repeated acts of violence against diplomatic and consular representatives, as well as against representatives to international and intergovernmental organizations and officials of such organizations. The General Assembly would also recall Security Council resolutions 664 (1990), 667 (1990) and 674 (1990) regarding, inter alia, certain recent flagrant violations of international law concerning the protection, security and safety of diplomatic and consular missions and representatives. By operative paragraph 2 the General Assembly would strongly condemn acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international and intergovernmental organizations and officials of such organizations, and would emphasize that such acts can never be justified. By operative paragraph 10 the General Assembly would enhance the reporting procedure concerning violations of the protection, security and safety of diplomatic and consular missions by requesting the Secretary-General to prepare, on an annual basis, an analytical summary of the reports received concerning such violations.

(Mr. Mirzaee-Yengejeh,
Rapporteur, Sixth Committee)

The draft resolution was adopted in the Sixth Committee by a recorded vote of 120 to 1.

I turn now to the report of the Sixth Committee (A/45/733) submitted under agenda item 138, entitled "United Nations Decade of International Law", which was the subject of my general remarks. As can be seen, the draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 10 of the report.

By operative paragraph 2 of the draft resolution the General Assembly would adopt the programme for the activities to be commenced during the first term (1990-1992) of the Decade, which is annexed to the draft resolution, as an integral part thereof. In this connection, the General Assembly would, under operative paragraph 1, express its appreciation to the Sixth Committee for the elaboration of the aforementioned programme within the framework of its Working Group, and request the Working Group to continue its work at the forty-sixth session in accordance with its mandate and methods of work. By operative paragraph 6 of the draft resolution the General Assembly would appeal to States, international organizations and non-governmental organizations working in this field and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme for the activities of the Decade.

The draft resolution was adopted by the Sixth Committee without a vote.

The next report of the Sixth Committee (A/45/734) that I have to introduce is submitted under agenda item 139, entitled "Peaceful settlement of disputes between States", and this, too, was the subject of my general remarks. The draft decision which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 of the report.

(Mr. Mirzaee-Yengejeh,
Rapporteur, Sixth Committee)

Under the terms of the draft decision the General Assembly would decide that the question of the peaceful settlement of disputes between States shall be examined within the framework of the programme for the United Nations Decade of International Law and in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, as appropriate.

The draft decision was adopted by the Sixth Committee without a vote.

Let me now turn to the report of the Sixth Committee (A/45/735) submitted under agenda items 140 and 142, entitled respectively "Draft Code of Crimes against the Peace and Security of Mankind" and "Report of the International Law Commission on the work of its forty-second session". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 11 of the report.

Under the operative part of the draft resolution the General Assembly would request the International Law Commission to continue its work on the topics in its current programme, with a view to reaching at its forty-third session the goals indicated in its report. The General Assembly would further invite the Commission, as it continues its work on the elaboration of the draft Code of Crimes against the Peace and Security of Mankind, to consider further and analyse the issues raised in its report on the question of international criminal jurisdiction, including the possibility of establishing an international criminal trial mechanism. Moreover, the General Assembly would express its appreciation for the efforts of the Commission to improve its procedures and methods of work, and to formulate proposals on its future programme of work.

The Sixth Committee adopted the draft resolution without a vote.

I turn next to document A/45/736, containing the report of the Sixth Committee on agenda item 141, "Report of the United Nations Commission on International

(Mr. Mirzaee-Yengejeh,
Rapporteur, Sixth Committee)

Trade Law on the work of its twenty-third session". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 7 of this report.

Under the preambular part of the draft resolution the General Assembly would reaffirm its conviction that the progressive harmonization and unification of international trade law would significantly contribute to universal economic co-operation among all States and to the elimination of discrimination in international trade law and, thereby, to the well-being of all peoples. Under the operative part of the draft resolution the General Assembly would, among other things, reaffirm the mandate of the Commission and the importance, in particular for developing countries, of its work concerned with training and assistance in the field of international trade law. The General Assembly would also repeat its invitation to those States that have not yet done so to consider signing, ratifying or acceding to the conventions elaborated under the auspices of the Commission.

The Sixth Committee adopted the draft resolution without a vote.

The next report of the Sixth Committee is before the Assembly in document A/45/738. It is submitted under agenda item 143, "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 9 of the report.

Under the operative part of the draft resolution the General Assembly would express its satisfaction at the useful informal consultations held at this session to study the aforementioned instruments, as well as the question of how to deal further with them with a view to facilitating the reaching of a generally acceptable decision in the latter respect. The General Assembly would also take

(Mr. Mirzaee-Yengejeh,
Rapporteur, Sixth Committee)

note of the oral report of the Chairman of the Sixth Committee on those consultations. It would further decide that these informal consultations will be resumed at the forty-sixth session of the General Assembly.

The draft resolution was adopted by the Sixth Committee without a vote.

I now turn to the report of the Sixth Committee before the Assembly in document A/45/739. It is submitted under agenda item 144, "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". Two draft resolutions are reproduced in paragraph 15 of the report and recommended by the Sixth Committee to the General Assembly for adoption.

Under the operative part of draft resolution I the General Assembly would, in particular, decide that the Special Committee will hold its next session from 4 to 22 February 1991 in order to carry out its mandate as summarized in operative paragraph 3. Under the same draft resolution the General Assembly would also request the Secretary-General to complete the work on the preparation of the draft handbook on the peaceful settlement of disputes between States and to submit it, in its final form, to the Special Committee at its session in 1991.

Draft resolution I was adopted by the Sixth Committee by a vote of 94 to none, with 1 abstention.

Under the operative part of draft resolution II, entitled "Rationalization of existing United Nations procedures", the General Assembly would approve the conclusions of the Special Committee as set forth in the annex to the draft resolution and decide that those conclusions shall be reproduced as an annex to the General Assembly's rules of procedure. I should like to point out that this text is an important contribution by the Special Committee and the Sixth Committee to the efficiency of the General Assembly's work.

(Mr. Mirzaee-Yengejeh,
Rapporteur, Sixth Committee)

Draft resolution II was adopted by the Sixth Committee by a vote of 92 to none, with 1 abstention.

I shall now turn to the report of the Sixth Committee in document A/45/740. It is submitted under agenda item 145, "Report of the Committee on Relations with the Host Country". The Sixth Committee recommends to the General Assembly for adoption the draft resolution contained in paragraph 7 of the report.

Under the operative part of the draft resolution the General Assembly would, inter alia, express the hope that the host country will continue to take all necessary measures to prevent any interference with the functioning of missions accredited to the United Nations. It would also express its appreciation for the efforts made by the host country and its hope that the outstanding problems will be duly resolved in a spirit of co-operation and in accordance with international law. It would further urge the host country, in the light of the consideration by the Committee of travel regulations issued by the host country, to continue to bear in mind its obligations to facilitate the functioning of the United Nations and missions accredited to it. The General Assembly would request the Committee to continue its work, in conformity with Assembly resolution 2819 (XXVI) of 15 December 1971.

The draft resolution was adopted by the Sixth Committee without a vote.

(Mr. Mirzaee-Yengejeh,
Rapporteur, Sixth Committee)

I turn to the report of the Sixth Committee (A/45/741) on agenda item 146, entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 7 of the report.

Under the operative part of the draft resolution the General Assembly would take note with interest of the proposal concerning the elaboration of an additional protocol on consular functions to the Vienna Convention on Consular Relations. It would also request the Secretary-General to seek the views of Member States as well as of other States parties to the said Convention on the proposal, including the procedure to be followed in considering the item, and to submit a report thereon to the General Assembly at its forty-sixth session.

The Sixth Committee adopted the draft resolution without a vote.

Lastly, I turn to the report of the Sixth Committee (A/45/742) submitted under agenda item 147, entitled "Conciliation rules of the United Nations", to which I referred in my general remarks. The draft decision which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 of the report.

Under the terms of the draft decision the General Assembly would request the Secretary-General to circulate the document relating to the draft conciliation rules of the United Nations, as amended, to all Member States, organs and competent specialized agencies of the United Nations, regional intergovernmental organizations and international legal bodies and to invite them to send him their observations, comments and suggestions. The Secretary-General would also be requested to submit a report containing the replies received to the General Assembly at its forty-sixth session.

The draft decision was adopted by the Sixth Committee without a vote.

(Mr. Mirzaee-Yengejeh,
Rapporteur, Sixth Committee)

This concludes my presentation of the reports of the Sixth Committee. I am conscious of the fact that I may have unduly overtaxed the patience of members of the Assembly, but I hope that they will agree with me that the achievements of the Sixth Committee at this session have been sufficiently noteworthy to deserve an item-by-item presentation, no matter how sketchy.

Before concluding let me state that I feel in duty bound not to let this opportunity go by without paying a special tribute to all those who contributed to the success of the Sixth Committee's work, thus enabling me to complete the report that I have just presented.

First of all I wish to congratulate all representatives and colleagues in the Committee, who demonstrated their high professional skills, sense of responsibility and respect for different approaches and views in the course of the Committee's deliberations.

I wish to address a special word of thanks to the Chairman of the Sixth Committee, Mr. Vaclav Mikulka, a distinguished jurist whose diplomatic skills and human qualities helped the Committee to conduct its deliberations efficiently and in a businesslike manner. The Chairman was assisted by two able Vice-Chairmen, Mr. Jan-Japp Van de Velde and Mr. Lukabu Khabouji N'Zaji, with whom, in my capacity as Rapporteur, I had the honour to serve as an officer of the Committee.

A special word of thanks goes also to the Legal Counsel, Mr. Carl-August Fleischhauer, and to Mr. Kotliar, Secretary of the Sixth Committee, to the two Deputy Secretaries, Ms. Jacqueline Dauchy and Mr. Andronico Adede, and to all the staff of the Codification Division who assisted them in providing such dedicated service to the Committee throughout its session. My thanks go also to all interpreters, translators, conference officers and documents officers who contributed to the work of the Committee and to its successful conclusion.

The PRESIDENT: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Sixth Committee which are before the Assembly today.

It was so decided.

The PRESIDENT: Statements will therefore be limited to explanations of vote. The positions of delegations regarding the various recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official records.

I remind members that under paragraph 7 of decision 34/401 the General Assembly agreed that

"When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

Further, I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations in the reports of the Sixth Committee I should like to advise representatives that we shall proceed with the voting in the same manner as in the Sixth Committee. This means that where recorded and non-recorded voters were taken in the Committee, the same will be done in the Assembly.

I hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Sixth Committee, unless delegations have already notified the Secretariat otherwise.

(The President)

We turn first to the report of the Sixth Committee (A/45/730) on agenda item 135, "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States".

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 8 of its report. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Belgium, France, Germany, Israel, Italy, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Australia, Austria, Bulgaria, Canada, Costa Rica, Czechoslovakia, Denmark, Dominica, El Salvador, Finland, Greece, Honduras, Hungary, Iceland, Ireland, Japan, Liechtenstein, Malta, New Zealand, Norway, Poland, Portugal, Romania, Spain, Sweden, Turkey

The draft resolution in paragraph 8 of document A/45/730 was adopted by 116 to 9, with 26 abstentions (resolution 45/37).

The PRESIDENT: We have thus concluded our consideration of agenda item 135.

The Assembly will now turn to agenda item 136, "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". The report of the Sixth Committee on this item appears in document A/45/731.

The Assembly will take a decision on the draft resolution recommended by the Sixth Committee in paragraph 8 of that report.

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly too wishes to adopt it?

The draft resolution in paragraph 8 of document A/45/731 was adopted (resolution 45/38).

The PRESIDENT: We have thus concluded our consideration of agenda item 136.

We turn now to the report of the Sixth Committee (A/45/732) on agenda item 137, "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

The Assembly will take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy,

Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Iraq

The draft resolution in paragraph 10 of document A/45/732 was adopted by 148 votes to 1 (resolution 45/39).

The PRESIDENT: We have thus concluded our consideration of agenda item 137.

We turn now to the report of the Sixth Committee (A/45/733) on agenda item 138, "United Nations Decade of International Law".

I call on the representative of Indonesia.

Mr. NASIER (Indonesia): My delegation wishes to add its name to the list of sponsors of the draft resolution recommended by the Sixth Committee in its report on this item.

The PRESIDENT: The Secretariat has taken note of the statement of the representative of Indonesia.

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report (A/45/733).

(The President)

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly too wishes to adopt it?

The draft resolution in paragraph 10 of document A/45/733 was adopted (resolution 45/40).

The PRESIDENT: We have thus concluded our consideration of agenda item 138.

The Assembly will now consider the report of the Sixth Committee (A/45/734) on agenda item 139, "Peaceful settlement of disputes between States".

The Assembly will take a decision on the draft decision recommended by the Sixth Committee in paragraph 8 of its report.

The draft decision was adopted by the Sixth Committee without a vote. May I consider that the Assembly too wishes to adopt it?

The draft decision in paragraph 8 of document A/45/734 was adopted.

The PRESIDENT: That concludes our consideration of agenda item 139.

The Assembly will now consider the report of the Sixth Committee (A/45/735) on agenda item 140, "Draft Code of Crimes against the Peace and Security of Mankind", and agenda item 142, "Report of the International Law Commission on the work of its forty-second session".

The Assembly will take a decision on the draft resolution entitled "Report of the International Law Commission on the work of its forty-second session", recommended by the Sixth Committee in paragraph 11 of its report.

The Sixth Committee adopted the draft resolution without a vote. May I consider that the General Assembly wishes to do the same?

The draft resolution in paragraph 11 of document A/45/735 was adopted (resolution 45/41).

The PRESIDENT: That concludes our consideration of agenda items 140 and 142.

We turn next to the report of the Sixth Committee (A/45/736) on agenda item 141, "Report of the United Nations Commission on International Trade Law on the work of its twenty-third session".

The Assembly will take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of its report.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution in paragraph 7 of document A/45/736 was adopted (resolution 45/42).

The PRESIDENT: We have thus concluded our consideration of agenda item 141.

The Assembly will now consider the report (A/45/738) of the Sixth Committee on agenda item 143, "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto".

The Assembly will take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report. This draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution in paragraph 9 of document A/45/738 was adopted (resolution 45/43).

The PRESIDENT: This concludes our consideration of agenda item 143.

We turn next to the report (A/45/739) of the Sixth Committee on agenda item 144, "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

I call on the representative of Cuba, who wishes to explain his vote before the voting.

Mr. MUJICA CANTELAR (Cuba) (interpretation from Spanish): My delegation wishes to make a statement for the purpose of reiterating its position on and interpretation of draft resolution II of document A/45/739, regarding the rationalization of existing United Nations procedures. This draft resolution contains recommendations that will appear as an annex to the General Assembly's rules of procedure.

We have serious reservations regarding the application and interpretation of the wording in paragraph 1 of those recommendations. In our view, this provision should not be interpretated so broadly as to limit the sovereign rights of States.

(Mr. Mujica Cantelar, Cuba)

We have observed at this session a rather greater tendency than at previous sessions to seek formulations in which consensus predominates. At the twenty-sixth session my delegation stated that in principle we did not oppose the rationalization of Assembly procedures with the aim of reducing administrative costs, taking better advantage of the time available and making the work of the Assembly more effective. However, we expressed objections to rationalization being used in practice to introduce consensus as a fixed rule for decision-making by the General Assembly and its organs. This, in our view, would violate the right of States set out in Article 18 of the Charter and, far from contributing to the strengthening of the democratic character of the decisions of the General Assembly and its organs, it would result in weakening and indeed invalidating it.

My delegation accordingly wishes to insist on unrestricted observance of Article 18 of the Charter.

The PRESIDENT: The Assembly will now take decisions on the two draft resolutions recommended by the Sixth Committee in paragraph 15 of its report (A/45/739).

The Assembly will first take a decision on draft resolution I, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

The report of the Fifth Committee on the programme-budget implications of draft resolution I is contained in document A/45/728.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: None

Abstaining: Libyan Arab Jamahiriya

Draft resolution I, in paragraph 15 of document A/45/739, was adopted by 147 votes to none, with 1 abstention (resolution 45/44).*

The PRESIDENT: The Assembly will now take a decision on draft resolution II, entitled "Rationalization of existing United Nations procedures".

A recorded vote has been requested.

---

* Subsequently, the delegation of Argentina advised the Secretariat that it had intended to vote in favour.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: None

Abstaining: Cuba

Draft resolution II, in paragraph 15 of document A/45/739, was adopted by 149 votes to none with 1 abstention (resolution 45/45).

The PRESIDENT: I call on the representative of Colombia, who wishes to explain his vote.

Mr. ALZATE (Colombia) (interpretation from Spanish): This statement is being made on behalf of the delegations of the following countries: Argentina, Bolivia, Brazil, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Paraguay, Peru, Uruguay and Colombia.

(Mr. Alzate, Colombia)

The delegations of those countries express their satisfaction at the outcome of the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization in respect of the rationalization of existing United Nations procedures. The Committee's conclusions appear in the annex to draft resolution II in document A/45/739.

(Mr. Alzate, Colombia)

In this regard, we wish expressly to place on record our interpretation of paragraph 1 of the annex. We believe that, in emphasizing once again that Article 18 of the Charter remains in full force, that paragraph reaffirms the right of each member of the General Assembly to a vote. Without prejudice to that right and whenever possible, informal consultations may be conducted with the broadest possible participation of Member States with a view to arriving at agreed texts of resolutions and decisions. Similarly, it is our understanding that these conclusions on the rationalization of procedures, given their character as a subsequent rule, affect paragraph 104 of section D of chapter VII of annex V of the General Assembly's rules of procedure, which were adopted by resolution 2837 (XXVI), of 17 December 1971.

The PRESIDENT: I wish to draw to the attention of the Assembly a matter relating to membership of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

Members will recall that, by a letter dated 3 October 1990 (A/45/567), the Federal Minister for Foreign Affairs of the Federal Republic of Germany informed the Secretary-General that, through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States had united to form one sovereign State.

Consequently the seat that had been occupied by the former German Democratic Republic in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization became vacant as at 3 October 1990.

In accordance with General Assembly resolution 3349 (XXIX), adopted on 17 December 1974, the members of this Committee are appointed by the President of the General Assembly, with due regard for the principle of equitable geographical distribution.

(The President)

After consultations with regional groups, I have appointed Hungary as a member of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, with effect from today.

May I take it that the Assembly takes note of this appointment?

It was so decided.

The PRESIDENT: We have concluded our consideration of agenda item 144.

The Assembly will turn now to the report of the Sixth Committee (A/45/740) on agenda item 145, entitled "Report of the Committee on Relations with the Host Country".

The Assembly has to take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of the report.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution in paragraph 7 of document A/45/740 was adopted (resolution 45/46).

The PRESIDENT: We have concluded consideration of agenda item 145.

The Assembly will turn next to the report of the Sixth Committee (A/45/741) on agenda item 146, entitled "Additional Protocol on consular functions to the Vienna Convention on Consular Relations".

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of the report.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution in paragraph 7 of document A/45/741 was adopted (resolution 45/47).

The PRESIDENT: We have concluded consideration of agenda item 146.

The Assembly will turn now to the report of the Sixth Committee (A/45/742) on agenda item 147, entitled "Conciliation rules of the United Nations".

The Assembly has to take a decision on the draft decision entitled "United Nations rules for the conciliation of disputes between States", which is recommended by the Sixth Committee in paragraph 8 of the report.

The Sixth Committee adopted the draft decision without a vote. May I take it that the General Assembly wishes to do the same?

The draft decision in paragraph 8 of document A/45/742 was adopted.

The PRESIDENT: The Assembly has now concluded consideration of agenda item 147, and of all the reports of the Sixth Committee.

The meeting rose at 4.30 p.m.

UNITED
NATIONS

A

General Assembly

PROVISIONAL

A/45/PV.49
6 December 1990

ENGLISH

Forty-fifth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE FORTY-NINTH MEETING

Held at Headquarters, New York,
on Thursday, 29 November 1990, at 3 p.m.

President: Mr. de MARCO (Malta)

- Question of Palestine [23]

  (a) Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

  (b) Report of the Secretary-General

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the General Assembly.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

90-64364/A 3553V (E)

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 23

QUESTION OF PALESTINE

(a) REPORT OF THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE (A/45/35)

(b) REPORT OF THE SECRETARY-GENERAL (A/45/709)

The PRESIDENT: I propose that the list of speakers in the debate on this item be closed at 12 noon tomorrow, Friday, 30 November 1990. May I take it that the General Assembly agrees to that proposal?

It was so decided.

The PRESIDENT: I call on the representative of Senegal, in her capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Mrs. DIALLO (Senegal), Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (interpretation from French): It is an honour and a privilege for me in my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to address the General Assembly once again for the purpose of introducing this most important agenda item, "Question of Palestine".

In my statement to the Assembly a year ago I appealed to the international community on behalf of all children - not only Palestinian children, but also Israeli children - and said that ultimately it was for their sake and the sake of all children that we must not fail in our efforts to achieve peace, so that they might be able finally to enjoy the peaceful and just world that was their right, not simply theirs by virtue of existing conventions.

(Mrs. Diallo, Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

On 30 September 1990, 71 Heads of State or Government, assembled at the World Summit for Children, jointly undertook the noble commitment to "giving every child a better future". Recognizing the dangers faced by children through conflict, foreign occupation, poverty and abuse, they expressed their determination to take political action at the highest level to ensure the well-being of all children.

The annual report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which Ambassador Borg Olivier, Permanent Representative of Malta to the United Nations and Rapporteur of the Committee, will introduce shortly, contains many details on developments during the reporting year. One figure in particular stands out: since the beginning of the intifadah almost three years ago about one quarter of the casualties have been children. By the end of September, 218 children under 16 had been killed by gunfire, beatings or other actions of the Israeli authorities, including more than 30 infants killed by tear-gas. Tens of thousands of children have been injured. Thousands more, some of them no more than five years of age, have been detained, and there have been numerous reports of their mistreatment. Moreover, more than half a million children have suffered major disruption of their education owing to the prolonged closure of educational institutions, from kindergarten to university level, and because of incidents that constantly disrupt classes when schools at last re-open.

These figures are particularly disturbing because they show excessive and unjustified use of force by the Israeli authorities, in particular against children, the most precious resource of any nation; they show clearly that the occupying Power is trying not simply to restore law and order in the occupied territory, as the Israeli authorities claim, but rather to suppress an entire people, including its most vulnerable element.

(Mrs. Diallo, Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

The fact that the occupying Power finds it necessary to shoot, use tear-gas against and detain children in order to guarantee its own security is clear proof that security does not lie in the occupation of territory. On the contrary, as our Committee has repeatedly warned over the years, military occupation will remain a permanent source of instability and violence because it has to be maintained by armed force, thus resulting in dispossession, the denial of fundamental human rights and, at the same time, growing resistance on the part of the Palestinian population. Only a comprehensive settlement based on respect for international legality, recognition of the interests of all the parties concerned, and appropriate international guarantees can provide real and permanent security.

(Mrs. Diallo, Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

Our Committee is extremely concerned that the situation in the occupied Palestinian territory has reached an impasse, and this makes it all the more dangerous. Since 1947, when the General Assembly adopted resolution 181 (II), innumerable efforts have been made through a variety of mechanisms to reach an equitable solution to the fundamental problem of how the territory of historic Palestine should be shared between its two communities, the Jews and the Palestinian Arabs. Gradually a consensus has emerged on the fundamental elements of such a solution, as spelled out in resolution 44/42 of 6 December 1989, which members will recall was adopted by an unprecedented majority of 151 votes in favour. They include the withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied territories; guaranteeing arrangements for the security of all States in the region, including those named in the partition resolution, within secure and internationally recognized boundaries; and the recognition and attainment of the legitimate national rights of the Palestinian people, primarily the right to self-determination.

There was some hope then that after so many years of multilateral and bilateral efforts the peace process would finally move forward. The Palestinian peace initiative and the declaration in November 1988 of an independent Palestinian State, and the subsequent diplomatic moves, including various proposals advanced by some of the parties, appeared to have brought us to a turning-point. Israel, however, has shown complete intransigence. It has refused to respond to the Palestinian initiative. It remains adamantly opposed to the convening of the International Peace Conference on the Middle East, which continues to be the avenue favoured by the vast majority of Member States.

(Mrs. Diallo, Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

As a result, the peace process has been blocked. Unfortunately, the Security Council has thus far been unable to take any steps towards the convening of the peace conference because of the opposition of a permanent member. Years have elapsed in these fruitless efforts, and all the appeals of our Committee and of many others have not had the desired result. The current crisis in the Gulf has greatly raised the level of tension in the region and further complicated efforts to promote a peaceful settlement. We believe, however, that recent developments have made it increasingly clear that the International Peace Conference, with the participation of all parties concerned on an equal footing and resulting in adequate security guarantees for all States in the region, is the most constructive proposal advanced so far and the one that is most likely to lead to positive results. I would like to emphasize that progress towards a solution of the question of Palestine would greatly contribute to a comprehensive settlement of the Middle East conflict.

For its part, our Committee has spared no effort in promoting the convening of the conference and in bringing together people of good will from all sides - Palestinians, Israelis, Jews and other people from all regions - for a consideration of the relevant issues in a constructive and concrete manner. In the course of the past year the Committee has carried out an intensive programme of meetings in various regions with a view to mobilizing official and public opinion in pursuit of these objectives and to creating a climate which could contribute to a peaceful settlement of the question of Palestine.

Regional seminars were held jointly with symposia of non-governmental organizations for the Asian region in Kuala Lumpur, for the Latin America and Caribbean region in Buenos Aires, for the African region in Freetown and for

(Mrs. Diallo, Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

the North American region in New York. In addition, a European seminar was held in Stockholm and a symposium of European non-governmental organizations and an international meeting of non-governmental organizations were held at the United Nations office in Geneva.

I would like here to thank once again the Governments of Malaysia, Argentina, Sierra Leone and Sweden for providing venues for those important events and for the unstinting support they gave the Committee in its work. The Committee was greatly encouraged by the seriousness of purpose of the participants in the various meetings and the support they demonstrated for United Nations recommendations for achieving a just settlement of the question of Palestine. The Committee intends to carry out its work along the same lines in the coming year.

It is essential now that Israel be made to understand that the interests of peace in the region, as well as its own best interests, require that it change its unbending position. Many Israelis from different segments of the political spectrum have come to recognize this necessity and to accept that Palestinians have national rights which need to be realized if there is to be peace in the region. We once again urge the Israeli Government to join the international consensus before the situation degenerates into uncontrollable violence and intercommunal, even inter-religious, strife.

Unfortunately, recent events provide an ominous warning of what might be lying ahead. Since last May, when a former Israeli soldier firing at random murdered eight Palestinian workers from Gaza, the level of violence has escalated in the most alarming manner. The latest incident, the massacre of over 20 Palestinians at the Haram al-Shareef in Jerusalem, has been condemned by the Security Council and by the international community as a whole.

(Mrs. Diallo, Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

Ten years ago, at the seventh emergency special session of the General Assembly, my predecessor as Chairman of the Committee had some prophetic words. He said,

"a fire that is not quenched must spread. A benign cancer that is not treated spreads, and becomes incurable and then fatal".

Many tragic events have taken place since then, causing the loss of many lives. Yet the unprecedented political developments of the past year, and in particular the affirmation of the primacy of international law and the advent of an era of partnership in place of rivalry, have opened up unprecedented possibilities for the peaceful resolution of regional conflicts. Our Committee believes that the majority of the Israeli people want to live in peace and to build a better future for their children, just as the Palestinians do.

(Mrs. Diallo, Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

We are persuaded that wisdom and statesmanship will prevail and that a peaceful solution of the question of Palestine, the core of the Arab-Israeli conflict in the Middle East, will be achieved. We pledge ourselves to continue to work towards that objective to the best of our abilities.

The PRESIDENT: I now call upon the Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to introduce the Committee's report, A/45/35.

Mr. BORG OLIVIER (Malta), Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People: On this day when the international community formally commemorates its solidarity with the Palestinian people it is an honour and a privilege for me in my capacity as Rapporteur to present to the General Assembly the 1990 report (A/45/35) of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

In 1990 the Committee, under the able guidance of its Chairman, Her Excellency Ambassador Absa Claude Diallo, diligently carried out its mandate on the basis of the resolutions adopted by the General Assembly. The report stresses the Committee's concern over the dangerous stalemate that has developed, notwithstanding the efforts to promote peace, and over the grave deterioration of the situation in the Palestinian territory occupied since 1967 as a result of the escalating Israeli repression of the intifadah. It stresses the urgency of taking measures for the protection of the Palestinian people and for the convening of the International Peace Conference on the Middle East in accordance with General Assembly resolution 44/42, and expresses the firm view that the Security Council should show the same resoluteness in dealing with the question of Palestine as it has manifested in the case of the crisis in the Gulf.

(Mr. Borg Olivier, Rapporteur, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

Chapters II and III of the report are procedural and summarize the respective mandates of the Committee, the Division for Palestinian Rights and the Department of Public Information; they also give information on the organization of the work of the Committee.

The action taken by the Committee in 1990 is described in chapter IV of the report. In section A.1, which reviews the situation, the Committee has noted with deep concern that in its efforts to suppress the intifadah Israel had continued to resort to the use of often excessive and indiscriminate force, including shooting at demonstrators, intensive use of tear-gas and the severe beating of detainees. The Committee has monitored the situation in the Palestinian territory occupied since 1967 on an ongoing basis through the media and the reports of United Nations organs and agencies as well as through information collected by Governments, non-governmental organizations, individual experts and persons from Israel and the Palestinian territory occupied since 1967 who participated in meetings held under the auspices of the Committee and other sources. As of 31 October 1990, according to the DataBase Project on Palestinian Human Rights, the total number of Palestinians killed since the beginning of the intifadah by Israeli armed forces, armed settlers, civilians and collaborators was 876 identified cases, of which 25 per cent were children under the age of 16. The Committee has noted with indignation that Israeli forces had indiscriminately used firearms against Palestinians in the precincts of Al Haram Al Shareef in Jerusalem on 8 October 1990, which resulted in the deaths of over 20 Palestinians and the wounding of over 125 others.

(Mr. Borg Olivier, Rapporteur, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

In this section of its report the Committee also takes note of the fact that Israeli occupation authorities continue to resort to a variety of harsh measures and collective punishments in their efforts to suppress the intifadah.

Section A.2 (a) refers to the letters sent by the Chairman of the Committee to the Secretary-General and the President of the Security Council drawing their attention to specific incidents of particular gravity. Since those letters have been circulated as documents of the General Assembly and the Security Council, they have not been summarized in the report, in an effort to make it more concise. Instead, all documentary references have been provided.

In addition, the Committee has followed closely the activities of the Security Council on matters related to the Committee's mandate and has participated in Council debates, as necessary, as reflected in section A.2 (b).

In its programme of work the Committee once again decided to continue to give the utmost priority to promoting the early convening of the International Peace Conference on the Middle East in accordance with General Assembly resolution 44/42 of 6 December 1989 in all its activities during 1990. Its efforts in this regard are detailed in section A.3. The Committee also decided to stress the urgent need for ensuring the safety and protection of Palestinians under Israeli occupation in accordance with the provisions of the Fourth Geneva Convention. The Committee was greatly encouraged by the overwhelming international support for its objectives and by the intensification of efforts among the international community in favour of a just and lasting settlement of the question of Palestine, as reflected, in particular, in the recommendations adopted by the regional seminars and by symposia and meetings of non-governmental organizations on the question of Palestine

(Mr. Borg Olivier, Rapporteur, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

organized under the auspices of the Committee. Those recommendations are annexed to the report of the Committee.

Section A.4 contains a list of international conferences and meetings at which the Committee was represented because of their particular relevance to its work.

Section A.5 contains a list of documents relating to action on the question of Palestine taken by United Nations bodies, the Movement of Non-Aligned Countries and intergovernmental organizations. The documents give an indication of the intensity of international concern regarding the current situation and of support for the Committee's objectives for the achievement of a comprehensive, just and lasting solution to the question of Palestine.

Section B describes the activities of the Division for Palestinian Rights, organized in consultation with the Committee and under its guidance, in implementation of the mandates contained in General Assembly resolutions 44/41 A and B. Section B.1 contains an account of the regional seminars held under the Committee's auspices. Four seminars were held in Asia, Latin America and the Caribbean, Africa, Europe and North America, respectively.

The Committee was greatly encouraged by the active participation in the seminars of prominent political personalities, parliamentarians, policy-makers and other experts, including Israelis and Palestinians. The Committee expressed satisfaction that the seminars had made a positive contribution to peace efforts by providing a forum for a balanced and constructive discussion of all the issues. It noted that the seminar participants had adopted conclusions and recommendations expressing support for the Committee's objectives for a peaceful settlement of the question of Palestine, particularly through the "two peoples, two States" formula and the convening of the International Peace Conference on the Middle East. It

(Mr. Borg Olivier, Rapporteur, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

further noted the request that the Committee continue to ensure that regional seminars provide an opportunity for diverse points of view to be expressed so that a meaningful dialogue could be held among people of good will on all sides.

Section B.2 describes the activities organized by the Committee in its continuing efforts to expand its contacts with non-governmental organizations and to co-operate with them in their contribution to heightening international awareness of the facts relating to the question of Palestine. Five regional symposia for non-governmental organizations were held in Asia, Latin America and the Caribbean, Africa, North America and Europe, and an international meeting of those organizations was also held at Geneva.

The Committee was greatly encouraged by the intensification of activities and programmes of the non-governmental organizations, including the sending of fact-finding missions to the area, the promotion of joint activities between Israelis and Palestinians and the provision of assistance and various other activities aimed at heightening public awareness and promoting a peaceful settlement. The Committee noted with satisfaction the continuing and growing involvement of Israeli organizations and Jewish organizations in North America and Western Europe in these efforts.

(Mr. Borg Olivier, Rapporteur, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

It also noted that the regional symposia and the international meetings of non-governmental organizations had adopted declarations expressing the full support of the non-governmental organizations for the objectives and activities of the United Nations to ensure a peaceful settlement of the question of Palestine and reaffirming the commitment of the non-governmental organizations to intensify further their efforts in this direction.

Sections B.3 and B.4 contain information on the activities of the Division for Palestinian Rights in the field of information and publications and on the commemoration of the International Day of Solidarity with the Palestinian People.

Chapter V of the report covers the work of the Department of Public Information in accordance with General Assembly resolution 44/41 C, including the publications and audiovisual activities of that Department and journalists' encounters and news missions to the area.

Chapter VI, the last chapter of the report, contains the recommendations of the Committee. These recommendations take into account developments since the last session of the General Assembly. In this chapter the Committee has expressed its disquiet over the prospects for peace in view of Israel's continued intransigence and policy of armed repression of the intifadah and the serious threat of armed confrontation caused by the Gulf crisis. It calls for international attention to remain focused on the need to resolve the question of Palestine in spite of recent developments, and it appeals to the Security Council to take concrete and effective action towards resolving the Arab-Israeli conflict, the core of which is the question of Palestine. The Committee also reaffirms the international consensus that the participation of the Palestine Liberation Organization on an equal footing is indispensable in any efforts and deliberations aimed at the achievement of a lasting peace in the Middle East.

(Mr. Borg Olivier, Rapporteur, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

The Committee recalls its original recommendations, which are once again annexed to the report. It reaffirms the principles for the achievement of a comprehensive peace contained in resolution 44/42 of 6 December 1989. It also expresses deep regret at Israel's rejection of the constructive proposals contained in that resolution and calls on those States that have thus far prevented its implementation to join the international consensus. The Committee calls upon the General Assembly to urge the Security Council, and in particular its permanent members, to consider measures needed to convene the International Peace Conference on the Middle East. It also urges the Council to address the question of Palestine with the same urgency and determination shown in addressing other important matters of concern to the international community. The Committee has also decided to continue to intensify its efforts towards the convening of the International Peace Conference and to give the utmost priority to that goal in its programme of work for next year.

The Committee then once again urges that all necessary measures be taken immediately to protect the Palestinian people in the Palestinian territory occupied since 1967, including Jerusalem. It calls on the Security Council to establish urgently an effective United Nations presence with a legal mandate to protect the Palestinians. In this regard the Committee endorses the proposed establishment by the Security Council of a United Nations observer force. It also calls on the Security Council to consider again with urgency the matter of Israeli settlements in the occupied territories and to take appropriate measures to deal with the situation.

Finally, the Committee reaffirms the duty and responsibility of the United Nations to provide all necessary assistance to ensure the economic development of

(Mr. Borg Olivier, Rapporteur, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

the Palestinian territory occupied since 1967, including Jerusalem, in preparation for the attainment of national sovereignty in accordance with the relevant United Nations resolutions. The Committee also calls fo. an increase in international economic and social assistance to the Palestinian people in close co-operation with the Palestine Liberation Organization.

The report I have just described reflects the sincere commitment of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to finding ways and means to achieve a just and lasting peaceful settlement to the Arab-Israeli conflict - and to the question of Palestine in particular - in all its aspects, a just settlement that will permit the Palestinian people to realize their aspirations and that respects and guarantees the legitimate needs and interests of all sides.

The PRESIDENT: The next speaker is the Observer of Palestine. I now call on him, in accordance with General Assembly resolutions 3227 (XXIX) of 2 November 1974 and 43/177 of 15 December 1988.

Mr. AL-KIDWA (Palestine) (interpretation from Arabic): On 29 October 1990, the Observer Mission of Palestine to the United Nations, according to usual procedure, requested entry visas for Mr. Farouk Al-Kaddoumi, Minister of State of the State of Palestine and Head of the Political Committee of the Palestine Liberation Organization, along with his accompanying delegation, to attend the General Assembly and participate in its deliberations, as is customary, during the General Assembly's debate on the agenda item "The question of Palestine". Up to Monday last, 26 November, the requested entry visas were not granted by the host country, the United States of America. We then turned to the Secretary-General and the United Nations Legal Counsel, who undertook to make

(Mr. Al-Kidwa, Palestine)

enquiries with the host country at various levels. Those efforts, in addition to many other moves, resulted in the issuance today, at 8 p.m., Tunis time, by the host country of the requested visas.

We condemn this American attitude, which is a clear breach of the host country's legal commitments under the provisions of the Headquarters Agreement concluded between the United States of America and the United Nations. We condemn it, and view it as evidence of a political attitude hostile to the Palestinian people and aimed at impeding the arrival our Minister of State.

While we condemn it, we should also like to extend our apologies to delegations and members of the General Assembly for this situation, over which we have no control. This is the first time that the representative of Palestine has not begun the political debate under the agenda item "The question of Palestine". Our only consolation is that Mr. Al-Kaddoumi will be given the chance to address the General Assembly at the end of its deliberations under this item.

(Mr. Al-Kidwa, Palestine)

We asked to speak only to clarify the situation, to make clear to members of the General Assembly what has happened, and to ask that our political statement be deferred to the end of the debate on the agenda item entitled "Question of Palestine".

Mr. GARDEZI (Pakistan): What the international community has witnessed over the past three years is basically a contrast between Palestinian moderation and Israeli intransigence. On the Palestinian side there is the peace initiative launched by President Yasser Arafat in 1988, while Israel persists in its efforts to deny the people of Palestine their national rights.

The Political Resolution adopted by the Palestine National Council confirmed the determination of the Palestine Liberation Organization (PLO) to reach a comprehensive peaceful solution of the Arab-Israeli conflict and its essence, the Palestinian question. This solution would be worked out within the framework of the United Nations Charter, the principles and provisions of international legitimacy, the rules of international law and the resolutions of the United Nations. This would be done in a manner that would ensure the exercise of the right of the Palestinian Arab people to establish their independent national State on their national territory, as well as create arrangements for security and peace for all the States of the region.

The people of Palestine and the leadership of the PLO have taken a giant stride towards the resolution of the age-old conflict in the Middle East and the creation of conditions in which all the States in the region can live in peace and security. The Proclamation and Political Resolution adopted at Algiers in 1988 contain historic messages that cannot be ignored by any country, including Israel.

Unfortunately, Palestinian moderation has been met with increasing Israeli intransigence and resort to violence. The Israeli reaction to the proposals for peace can be gauged from the report of the Committee on the Exercise of the

(Mr. Gardezi, Pakistan)

Inalienable Rights of the Palestinian People and the statement of the Chairman of the Committee, which contains horrifying details on the growing deterioration of the situation in the occupied Palestinian territory, where hundreds of Palestinians have been killed and tens of thousands wounded, maimed or detained since the beginning of the intifadah. In their attempt to break the will of the Palestinian people and force them to leave their ancestral homeland, the Israeli authorities have imposed collective punishments, economic coercion and curfews; they have demolished houses, closed educational institutions, destroyed crops and trees and resorted to deportation. What we are witnessing in the occupied territories is an example of the Israeli occupying forces declaring war on the defenceless Palestinian people in order to annex and absorb the occupied territories.

However, the struggle of the people of Palestine for dignity and nationhood over the past four decades has demonstrated that a people committed to freedom and independence cannot be subjugated for long. The intifadah is the collective expression by the Palestinian people of their resistance to Israeli colonialism in order to exercise their right to sovereignty and self-determination. By their sacrifices, the people of Palestine have shattered the illusion of the irreversibility of the illegal Israeli occupation. Delay in recognizing this reality will only aggravate instability and insecurity in the region and increase the sufferings and misery of all the people of the region, without extinguishing the flame of liberty, which burns eternally. The Israeli leaders must realize that their policies of expansion and colonization are the main obstacles to an enduring peace in the region.

Israel has shown by its repressive actions its utter contempt for the human rights of the Palestinian people in the occupied territories. It is time for the international community, in particular the Security Council, to take firm action to

(Mr. Gardezi, Pakistan)

ensure protection of the Palestinians in the occupied territories. It is time for the United Nations machinery to be used to end the festering conflict in the Middle East, the crux of which lies in the denial of the right of the people of Palestine to self-determination and statehood. We agree with the Secretary-General when he notes in his report on the work of the Organization that

> "The Security Council could make an important contribution to the process by renewing its commitment to resolutions 242 (1967) and 338 (1973), which ... together with the legitimate political rights of the Palestinian people, including self-determination, can constitute the basis of a just and lasting peace in the area." (A/45/1, p. 10)

The quest for peace in the Middle East has a long history of missed opportunities. Now more than ever before the Security Council, particularly its permanent members, have the opporunity to seize a historic moment. Now is the time to resolve the question of Palestine and to end the suffering of its people by enabling them to assume their rightful place within the comity of nations.

It is time that Israel heeded the universal condemnation of its policy of the use of force. The fundamental grievances behind the Palestinian uprising are political and can be addressed only by means of a political solution, not by military force. We in Pakistan are committed to the just struggle of the Palestinian people and look forward to the day when Palestine can assume its rightful place in the comity of nations.

In a recent message on the occasion of the commemoration of the International Day of Solidarity with the Palestinian People, the Prime Minister of Pakistan, Mr. Mian Muhammad Nawaz Sharif, said:

(Mr. Gardezi, Pakistan)

"On behalf of the Government and people of Pakistan and on my own behalf, I renew our pledge of continued and unequivocal support for and solidarity with our Palestinian brothers in their noble struggle to exercise their inalienable national rights, including their right to self-determination and to establish an independent State with Jerusalem as its capital".

Mr. PERERA (Sri Lanka): Over the years the question of Palestine has remained the core of the Arab-Israeli conflict in the Middle East. My delegation wishes to reiterate its view that the prolonged occupation of Palestinian land by Israel and the continued denial of the Palestinian people's right freely to establish their own State in that territory are totally unacceptable and a flagrant violation of international law.

(Mr. Perera, Sri Lanka)

What is more, such a denial constitutes a major threat to the maintenance of international peace and security. In this context, internationally recognized principles are of fundamental importance for the achievement of peace and stability in the region and also for a comprehensive settlement of the question of Palestine. We have repeatedly stated that the Palestinian people has the inherent right to self-determination, national independence and sovereignty in Palestine, and pointed out the need for a lasting solution on the basis of security arrangements for all States in the region guaranteeing secure and internationally recognized boundaries. However, the efforts of the international community to find a solution to the problem and to bring lasting peace to the region have been thwarted by Israel's continued intransigence.

The period that elapsed since the last session of the Assembly has been marked by achievements in conflict resolution. Those and other encouraging developments in international relations augur well for the future, if they are pursued in a manner consistent with the same spirit in dealing with the question of Palestine. Any such action genuinely undertaken with regard to the Palestine question would undoubtedly contribute to the peace process in the region.

We urge the Security Council to intensify its efforts to resolve the question of Palestine. In this regard, we refer in particular to the need for the five permanent members of the Security Council, which have acted in a very constructive manner to achieve consensus in conflict resolution in other regions, to take the initiative to resolve this long-standing problem and enable the Security Council to consider all measures required for the convening of the International Peace Conference on the Middle East.

As we have said before, to achieve a just and lasting solution to the question of Palestine, an essential prerequisite is the convening of the International Peace Conference on the Middle East with the participation of all parties to the

(Mr. Perera, Sri Lanka)

conflict, including the Palestine Liberation Organization, the sole and legitimate representative of the Palestinian people. The international consensus to bring about a solution to the Palestine question through the convening of the Conference was amply demonstrated by the adoption of General Assembly resolution 44/42 of 6 December 1989, which received the overwhelming support of Member States. We believe that the comprehensive framework incorporated in that resolution contains the necessary ingredients to finding a just and lasting solution to the Arab-Israeli conflict, in particular to the question of Palestine.

We firmly believe that the recognition of the national rights of the Palestinian people is imperative for a durable settlement of the question of Palestine and that such recognition cannot be excluded from the achievement of that objective. Any deviation from the respect for equal rights among nations would be contrary to the principles and obligations that we have accepted as Members of the Organization.

We also reiterate our support for the peace initiatives undertaken by the Palestinian leadership in 1988, which have been welcomed widely as a constructive contribution to the achievement of a lasting solution. Those initiatives have confirmed the readiness of the Palestinian leadership - namely the Palestine Liberation Organization - to resolve the issue through peaceful means. Regrettably, Israel has rejected those peace initiatives. That rejection has led to the further deterioration of the situation in the occupied territories. The implementation of the Israeli policy of annexation and the establishment of settlements in the occupied territories, which is in violation of the Fourth Geneva Convention and has been strongly opposed by the international community, continues unabated. Further, violence and repression in the occupied territories have increased in recent months. It was in October 1990 that 20 Palestinians were killed and hundreds wounded in Jerusalem by the Israeli police forces and by armed

(Mr. Perera, Sri Lanka)

Israeli civilians - an act which was unanimously condemned by the Security Council. Resort to such repressive measures by Israel against a people that has made peace initiatives through its authentic representatives constitutes a serious obstacle to the realization of peace in the region.

The goal of achieving a just and lasting peace on the question of Palestine must be resolutely pursued through the United Nations or under its auspices. In that regard, we express our deep appreciation for the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and for the efforts of the Secretary-General of the United Nations, whose reports are before the Assembly. Any impediment to a peaceful solution would only serve to destabilize the entire Middle East, thus threatening international peace and security.

Mr. LEGWAILA (Botswana): It is with a great sense of relief that mankind has welcomed the advent of the new world order - even with all its disasters, uncertainties and gyrations. For the first time since the end of the Second World War, with its aftermath of nuclear terror and ideological antagonisms that gave birth to the cold war, we can say with some certainty that world peace, real world peace, is a credible possibility in our lifetime.

Eastern Europe is going through the throes of a painful rebirth, while everywhere else the oppressed are reasserting their humanity, for too long the plaything of unremitting tyrannies. Everywhere, oppressed men and women are agitating for a stake in the new world order, whose fruits they have indeed yet to enjoy.

In Palestine, the subject of this debate, the fruits of the new world order have yet to arrive. There, the old order prevails undiminished, uncompromising, determined to persist in its cruel ways as if all the changes that have so

(Mr. Legwaila, Botswana)

dramatically transformed the shape and form of our world are but a mirage in the desert. In the media depressing reports of bloody confrontations in the West Bank or Gaza and elsewhere in the occupied territories compete for prominence with encouraging reports of successful peaceful negotiations somewhere else in the world. In Cambodia, Angola and Mozambique, where painful conflicts have wreaked havoc on human life, negotiations are the order of the day, while in the Israeli-Palestinian conflict massacres and curfews and never-never politics are entrenched as substitutes for civilized dialogue and negotiation.

(Mr. Legwaila, Botswana)

Even in South Africa, dialogue and negotiation have replaced never-never politics as the instruments through which the search for a solution to the problem of apartheid is being pursued. And we ask: why not in Israel? Mandela and President De Klerk have come together, despite their very deep and serious differences, to collaborate in the struggle to liberate their country from the clutches of apartheid. Why is a replication of the same spirit - the spirit of compromise and accommodation so symbolic of the statesmanship of Mr. Mandela and President De Klerk - such anathema between Prime Minister Yitzhak Shamir and Chairman Arafat?

The problem of Palestine cannot and will not be solved with weapons of war. If bloodshed caused by weapons of war were capable of bringing peace to the people of Palestine, Palestine would be one of the most peaceful places on Earth. A lot of blood has been shed there entirely in vain, for the area is as distant as it can ever be from the attainment of peace and tranquillity.

What is at issue in the conflict between Israel and the Palestinian people is the struggle for a birthright between two peoples whose claims to independent homelands in Palestine enjoy equal legitimacy, in our view. We contend that the people of Israel have every right to be where they were in the pre-1967 State of Israel, and this is a right that cannot and must not be negotiated. This indestructible reality - the reality of the existence of a State called Israel - Botswana has long accepted.

And in equal measure the people of Palestine are entitled to a homeland of their own in the West Bank and Gaza, an entitlement that is as non-negotiable as the entitlement of the people of Israel to a homeland of their own within the frontiers of pre-1967 Israel. And Palestinians have now accepted the right of Israel to exist within pre-1967 borders. Reality and realism have dawned on them, and in a noble endeavour to free themselves from the servitude of their tragic

(Mr. Legwaila, Botswana)

history they have now expressed their willingness and readiness to negotiate a mutually acceptable territorial dispensation with Israel.

Thus, it is now Israel that rejects the extended hand of accommodation. The response to the hand of accommodation extended by the Palestinian people has been the tightening of Israeli control over the occupied territories and the proliferation of Jewish settlements there. Taken together with repeated spasms of murderous incidents, such as the recent massacre at Al Haram Al Shareef in Jerusalem, these acts of intransigence and defiance on the part of the Israeli authorities cannot augur well for a peaceful solution to the Israeli-Palestinian conflict.

Botswana continues to support the call in United Nations resolutions for the convening of an international conference on the Middle East designed specifically to pave the way for negotiations for a peaceful settlement of the Palestinian issue. Israel has continued to oppose the convening of a conference principally because the Palestine Liberation Organization (PLO) is to attend the conference in its own right. Israel regards the PLO as a "terrorist organization" with which no peace can be negotiated. It advocates direct negotiations, but only with nondescript parties in Palestine whose capacity to deliver at the negotiating table is severely wanting, if not non-existent.

A practical and functional lesson from southern Africa is in order here. Ian Smith of colonial Rhodesia spent 15 years of his illegal tenure of office swearing to the heavens that he would never debase his Western civilization by negotiating an end to the Rhodesian conflict with the so-called terrorists of the Zimbabwe African National Union (ZANU) and the Zimbabwe African People's Union (ZAPU). Instead, he opted to negotiate with internal leaders who had no influence whatsoever on the prosecution of the war of liberation, which had to stop if peace

(Mr. Legwaila, Botswana)

was to prevail in Rhodesia. The war continued, escalated and stopped only when Smith was forced to go to the Lancaster House talks to make peace with the so-called terrorists of the Patriotic Front. And there was peace.

In South Africa, successive leaders of the the white minority, like Ian Smith of Rhodesia, never contemplated sitting at a conference table with the "terrorists" of the African National Congress of South Africa (ANC) and the Pan Africanist Congress of Azania (PAC) to talk peace. They tried every trick in the book to avoid and evade reality - the reality that only with those who were waging a war of liberation could a peaceful end to the war be negotiated. Today, President De Klerk is negotiating peace with Mr. Mandela and his colleagues, and there will soon be peace in South Africa.

There is peace, freedom and democracy today in Namibia, where the South African colonial leaders never wanted to insult their moral values by negotiating an end to the Namibian conflict with the "terrorists" of the South West Africa People's Organization (SWAPO) - that is, until it dawned on them that the only road to peace in Namibia was via negotiations with SWAPO.

Why should Israel be the exception to the rule? What is being asked of the Jewish people and their leaders is to recognize that the time for negotiations with the party they regard as their sworn enemy, the PLO, is long overdue. The Jewish people are not being asked to surrender their existence as a nation to the vagaries of some promise of peaceful coexistence in the Middle East. They are being asked and challenged to sit down with their enemy, the PLO, at a conference table to secure their own future through a give-and-take negotiating process. For only such a process, born of justice and equity for all, can secure Israel's existence and ensure its territorial integrity in the violent turbulence of the Middle East.

The meeting rose at 4.40 p.m.